

1 **ARNOLD & PORTER KAYE SCHOLER LLP**  
2 TRENTON H. NORRIS (Bar No. 164781)  
3 ASHLEY N. GOMEZ (Bar No. 336364)  
4 Three Embarcadero Center, 10th Floor  
5 San Francisco, CA 94111-4024  
6 Telephone: 415.471.3100  
7 Facsimile: 415.471.3400  
8 [trent.norris@arnoldporter.com](mailto:trent.norris@arnoldporter.com)  
9 [ashley.gomez@arnoldporter.com](mailto:ashley.gomez@arnoldporter.com)

10 ALEX BEROUKHIM (Bar No. 220722)  
11 777 South Figueroa Street, 44th Floor  
12 Los Angeles, CA 90017-5844  
13 Telephone: 213.243.4000  
14 Facsimile: 213.243.4199  
15 [alex.beroukhim@arnoldporter.com](mailto:alex.beroukhim@arnoldporter.com)

16 *Attorneys for Defendant*  
17 RECKITT BENCKISER, LLC

18 **UNITED STATES DISTRICT COURT**  
19 **NORTHERN DISTRICT OF CALIFORNIA**

20 JOSEPH DIGIACINTO, an individual, on behalf  
21 of himself, all others similarly situated, and the  
22 general public,

23 Plaintiff,

24 v.

25 RECKITT BENCKISER, LLC,

26 Defendant.

27 Case No. 4:22-cv-04690-DMR

28 **STIPULATION AND ORDER TO  
SUBSTITUTE PARTY, ALLOW  
PLAINTIFF TO FILE FIRST  
AMENDED COMPLAINT, AND SET  
BRIEFING SCHEDULE**

29 Pursuant to Local Rule 7-12, Plaintiff Joseph DiGiacinto (“Plaintiff”) and Defendant Reckitt  
30 Benckiser, LLC (“Defendant”), by and through their respective counsel of record, hereby stipulate  
31 as follows:

32 1. WHEREAS, Plaintiff filed his Complaint (ECF No. 1) in this case on August 16,  
33 2022;

34 2. WHEREAS, Plaintiff served his Complaint on August 17, 2022 (ECF Nos. 7-8);

1       3. WHEREAS, on September 2, 2022, the Parties jointly agreed to an extension of  
2 Defendant's time to respond to the Complaint to September 30, 2022 (ECF No. 11);

3       4. WHEREAS, in preparation for Defendant's response, Defendant's counsel came to  
4 understand the incorrect party was sued in this action;

5       5. WHEREAS, Defendant filed its Answer to Plaintiff's Complaint on September 28,  
6 2022 (ECF No. 16);

7       6. WHEREAS, the Parties agree that judicial economy would be served by substituting  
8 RB Health (US) LLC in place of Defendant Reckitt Benckiser, LLC, *nunc pro tunc*, as opposed to  
9 requiring Plaintiff to file an amended complaint naming RB Health (US) LLC as the defendant.

10      7. WHEREAS, Plaintiff seeks to file a First Amended Complaint to, *inter alia*, add a  
11 claim for damages under the California Consumers Legal Remedies Act, and requested Defendant's  
12 consent pursuant to Fed. R. Civ. P. 15(a)(2), which was granted;

13      8. WHEREAS, Defendant requires additional time to respond to Plaintiff's First  
14 Amended Complaint, when filed, beyond the time provided in Federal Rule of Civil Procedure 15,  
15 and the Parties have agreed to a modified briefing schedule thereafter to accommodate preexisting  
16 obligations;

17      NOW, THEREFORE, IT IS HEREBY STIPULATED, by and between the Parties and their  
18 respective counsel, with good cause appearing, and subject to court approval, that:

19      i. RB Health (US) LLC is hereby substituted into this case as the defendant in place of  
20 Defendant Reckitt Benckiser, LLC, *nunc pro tunc*, bearing all the same rights, defenses, liabilities,  
21 and obligations of Defendant Reckitt Benckiser, LLC, that exist at the time of this stipulation;

22      ii. Plaintiff shall file his First Amended Complaint on or before November 7, 2022;

23      iii. Defendant shall file its Motion to Dismiss, or similar pleading, to Plaintiff's First  
24 Amended Complaint on or before December 9, 2022;

25      iv. Plaintiff shall file his Opposition on or before January 13, 2023;

26      v. Defendant shall file its Reply on or before January 27, 2023;

27      vi. The Parties request a hearing date of February 14, 2023 for the Motion to Dismiss,  
28 or similar pleading, or another date thereafter that is convenient for the Court.

1 The Parties respectfully request that the Court enter an Order approving this Stipulation.

2 IT IS SO STIPULATED.

3 Dated: October 18, 2022

4 ARNOLD & PORTER KAYE SCHOLER LLP

5

6 By: /s/ Trenton H. Norris

7 Alex Beroukhim  
8 Trenton H. Norris  
Ashley N. Gomez

9 *Attorneys for*  
10 RECKITT BENCKISER, LLC  
and RB HEALTH (US) LLC

11

12 Dated: October 18, 2022

13 LAW OFFICES OF RONALD A. MARRON

14

15 By: /s/ Lilach Halperin

16 Lilach Halperin  
Ronald A. Marron  
Michael T. Houchin

17 *Attorneys for Plaintiff*  
18 JOSEPH DIGIACINTO

19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ATTESTATION PURSUANT TO CIVIL L.R. 5-1**

The filer attest that the other signatories listed, on whose behalf the filing is also submitted, are registered CM/ECF filers and concur in the filing's content and have authorized the filing.

Dated: October 18, 2022

*/s/ Trenton H. Norris*

Trenton H. Norris

## ORDER

Pursuant to the stipulation of the Parties, and for good cause appearing, it is HEREBY  
ORDERED that:

- i. RB Health (US) LLC is hereby substituted into this case as the defendant in place of Defendant Reckitt Benckiser, LLC, *nunc pro tunc*, bearing all the same rights, defenses, liabilities, and obligations of Defendant Reckitt Benckiser, LLC, that exist as of the date of this order;
- ii. Plaintiff shall file his First Amended Complaint on or before November 7, 2022;
- iii. Defendant shall file its Motion to Dismiss or similar pleading to Plaintiff's First Amended Complaint on or before December 9, 2022;
- iv. Plaintiff shall file his Opposition on or before January 13, 2023;
- v. Defendant shall file its Reply on or before January 27, 2023;
- vi. The hearing date for Defendant's Motion to Dismiss, or similar pleading, shall take place on February 23, 2023, at 1:00 p.m.

## IT IS SO ORDERED.

Dated: October 19, 2022

By:

